

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TROY STEINBURGER,)	
)	
Petitioner,)	Civil Action No. 09-76
)	
v.)	
)	Magistrate Judge Bissoon
SCI GREENE, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM AND OPINION

Troy Steinburger is a state prisoner incarcerated at the State Correctional Institution at Greene, Pennsylvania, who has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. Steinburger challenges his state court conviction and sentence for first degree murder and related offenses for which he is presently serving a life sentence, with two concurrent terms of imprisonment of 10 to 20 and 1 to 2 years. The sentences were imposed by the Court of Common Pleas of Dauphin County, Pennsylvania, on November 7, 2003. This is not the proper venue for Steinburger's challenge.

The venue statute applicable to habeas corpus petitions, 28 U.S.C. § 2241(d), provides for concurrent jurisdiction in both "the district court for the district wherein such person is in custody" and "the district court for the district within which the State court . . . which convicted and sentenced him" is located. *Id.* The court where the application is filed has discretion to transfer the matter to the other district court which has jurisdiction. *Id.* Also, the provisions of 28 U.S.C. §1404 grant district courts discretion to transfer cases to any other district where the action may have been commenced by a habeas petitioner.

Steinburger was convicted and sentenced in Dauphin County, Pennsylvania.

Accordingly, the state court records necessary to appropriately dispose of this case are located in Dauphin County. In addition, it is likely that any potential witnesses reside in Dauphin County, which is located within the jurisdiction of the United States District Court for the Middle District of Pennsylvania. Finally, the federal district courts in the three separate districts in the Commonwealth of Pennsylvania all follow the uniform practice of transferring habeas petitions filed by persons incarcerated within their districts to the district which encompasses the county in which the petitioner was convicted. For these reasons, this action will be transferred to the United States District Court for the Middle District of Pennsylvania pursuant to the provisions of 28 U.S.C. §2241(d) and 28 U.S.C. §1404.

AND NOW, this 26th day of January, 2009,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Troy Steinburger be TRANSFERRED FORTHWITH to the United States District Court for the Middle District of Pennsylvania.

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc:

TROY STEINBURGER
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